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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/500,592	02/10/2000	Timothy Raymond Ubl	17310-220588	2837

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EXAMINER	
TOLAN, EDWARD THOMAS	
ART UNIT	PAPER NUMBER

DATE MAILED: 02/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

N.K.

## Office Action Summary

Application No.

09/500,522

Applicant(s)

Raymond et al

Examiner

Ed Tolan

Group Art Unit

3725

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- ☐ Responsive to communication(s) filed on \_\_\_\_\_.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 1 1; 453 O.G. 213.

### Disposition of Claims

- ☒ Claim(s) 1 and 3-42 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1, 3-22 and 34-42 is/are rejected.
- ☒ Claim(s) 23-33 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

### Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 112*

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 19,22 and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 19 recites the limitation "the number of scan lines" in line 3. There is insufficient antecedent basis for this limitation in the claim.

In claim 22, line 10 the terms "the number the first plurality of scan lines" are unclear, is there missing terminology?

In claim 32, line 13, the terms "the number the first plurality" are unclear, is there missing terminology?

### *Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,3,17-20 and 34-42 are rejected under 35 U.S.C. 102(b) as being anticipated by

Schudel (5,588,200). Schudel discloses a method for adjusting static attitude of a head

suspension (11). In column 5, lines 5-10 Schudel discloses that static roll and pitch

characteristics of the suspension (11) are corrected by a beam (34) by directing the beam to a

target area (38). Schudel discloses control in column 5, lines 21-30 and also discloses a fine

adjustment in column 5, lines 51-54. Control parameters are disclosed in column 6, lines 12-28.

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

7. Claims 1,3-22 and 34-42 are rejected under 35 U.S.C. 102(e) as being anticipated by

Singh et al. (6,011,239). Singh discloses a method of adjusting static attitude of a head

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suspension (10) by using a laser (44,46). In column 6, lines 21-29 Singh discloses a plurality of scanning lines (102,106,110) which are irradiation regions that are to be actuated to cause a change in an angle ( $\theta$ ). In column 6, lines 47-50, Singh discloses that other regions besides the lines (102,106,110) are to be irradiated to produce differing effects.

8. *Allowable Subject Matter*

9. Claims 23-33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcoming the 35 USC 112 second paragraph rejections. The claims 23-33 are deemed to be allowable because they require method steps of predicting a number of scan lines necessary to compensate for pitch and roll errors from a response curve and from direct measurements of a pitch and roll error.

10. *Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

12. Any inquiry concerning this communication should be directed to Ed Tolan whose telephone number is 703-305-3021.

ETT 2-12-03

ED TOLAN  
PRIMARY EXAMINER

